

1 BILL NO. Z-82-10-18

2 ZONING MAP ORDINANCE NO. Z-19-82

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. M-26.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is  
8 hereby designated a M-1 (Light Industrial) District under  
9 the terms of Chapter 33 of the Municipal Code of the City of  
10 Fort Wayne, Indiana of 1974:

11 Lots 19, 20, 22, 23, 24, 25, 26, & 27 in  
12 Fernhill Amended Addition,

13 and the symbols of the City of Fort Wayne Zoning Map No. M-1,  
14 as established by Section 11 of Chapter 33 of the Municipal  
15 Code of the City of Fort Wayne, Indiana of 1974, are hereby  
16 changed accordingly.

17 SECTION 2. That this Ordinance shall be in full force  
18 and effect from and after its passage, any and all necessary  
19 approval by the Mayor, and the legal publication thereof.

20  
21   
22 Councilmember

23 APPROVED AS TO FORM  
24 AND LEGALITY

25   
26 Bruce O. Boxberger, City Attorney  
27  
28  
29  
30  
31  
32

Read the first time in full and on motion by Eisbark, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 10-26-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Eisbark, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

|                    | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>8</u>    | <u>0</u>    | _____            | <u>1</u>      | _____          |
| <u>BRADBURY</u>    | <u>X</u>    | _____       | _____            | _____         | _____          |
| <u>BURNS</u>       | <u>X</u>    | _____       | _____            | _____         | _____          |
| <u>EISBART</u>     | <u>X</u>    | _____       | _____            | _____         | _____          |
| <u>GIAQUINTA</u>   | _____       | _____       | _____            | <u>X</u>      | _____          |
| <u>SCHMIDT</u>     | <u>X</u>    | _____       | _____            | _____         | _____          |
| <u>SCHOMBURG</u>   | <u>X</u>    | _____       | _____            | _____         | _____          |
| <u>SCRUGGS</u>     | <u>X</u>    | _____       | _____            | _____         | _____          |
| <u>STIER</u>       | <u>X</u>    | _____       | _____            | _____         | _____          |
| <u>TALARICO</u>    | <u>X</u>    | _____       | _____            | _____         | _____          |

DATE: 11-5-82

C. W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. 3-19-82 on the 5th day of November, 1982.

ATTEST:

(SEAL)

C. W. W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

C. W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 11th day of November, 1982, at the hour of 9 o'clock A.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR

THIS IS TO BE FILED IN DUPLICATE

RECEIPT NO.

DATE FILED

INTENDED USE

SEP 22 1982

FORT WAYNE  
CITY PLANNING COMMISSION

I/We LAMAR L. & SHIRLEY L. STOLLER  
(Applicant's Name or Names)

I/We hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an M1 District the property described as follows:

FERNHILL PLACE AMENDED LOTS NO. 22, 23, 24, 25, 26,  
27, 19, & 20.

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

LAMAR L. & SHIRLEY L. STOLLER 17620 28th AVENUE  
PLYMOUTH, MIN 55447

Charles K. & Helen Campbell 109 Fernhill Ave

Arthur & Louise Morrow 115 Fernhill  
(Name) (Address)

Shirley L. Stoller  
Charles K. Campbell  
Arthur Morrow  
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent. 46808

DONALD R. MAHLAN  
(Name)

2226 POINT WEST DR  
(Address & Zip Code)

432-0531 OFF.  
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

BILL NO. Z-82-10-18

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No.

M-26

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN A. EISBART, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

PAUL M. BURNS

VICTURE L. SCRUGGS

ROY J. SCHOMBURG

*Ben A. Eisbart*  
*Janet G. Bradbury*  
*Paul M. Burns*  
*Victure L. Scruggs*  
*Roy J. Schomburg*

11-9-82  
CONCURRED IN  
DATE            CHARLES W. WESTERMAN, CITY CLERK

# RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 8084

FT. WAYNE, IND. Sept. 22 1982

RECEIVED FROM Mrs. L. L. Stiller \$ 50.00

THE SUM OF Fifty Dollars 100 DOLLARS

ON ACCOUNT OF Repayment of Loan

From Date 12/22/74 to 12/27/80

AUTHORIZED SIGNATURE





Legal Description of property to be rezoned.

Owners of Property

|                       |                     |                 |
|-----------------------|---------------------|-----------------|
| Mrs Emma Taylor       | 3909 Dusingave      | Mrs Emma Taylor |
| + Mrs Raymond T. Junk | Lot 25 205 Fernhill | Raymond T. Junk |
| + Mrs Raymond T. Junk | Lot 27              | Raymond T. Junk |
| (Name)                | (Address)           | (Signature)     |

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

this form is to be filed in duplicate.

gal Description of property to be rezoned.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ners of Property

|                            |                      |                                    |
|----------------------------|----------------------|------------------------------------|
| <u>Frieda E. Armstrong</u> | <u>131 Elm Hill</u>  | <u>Life Estate</u>                 |
| <u>Audrey C. Stockton</u>  | <u>624 Riverside</u> | <u>Administratrix M. Armstrong</u> |
| _____                      | _____                | <u>Cal</u>                         |
| _____                      | _____                | _____                              |
| _____                      | _____                | _____                              |
| (Name)                     | (Address)            | (Signature)                        |

OTE: All checks are to be made payable to: CITY OF FORT WAYNE

this form is to be filed in duplicate.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 26, 1982, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-10-18; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 8, 1982;

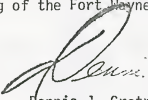
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend by a motion by Ben Eisbart, seconded by Robert Hutner that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 25, 1982.

Certified and signed this  
27th day of October 1982.



Dennis J. Grotnian  
Secretary



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 October 1982

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held October 25, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-82-10-18
2. From RA to M1
3. Intended Use: Unknown
4. Plan Commission Recommendation: DO PASS


This ordinance received a DO PASS recommendation for the following reason:

REASON: The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

  
Gary F. Baeten  
Senior Planner

GFB:pb

Attachments

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-82-10-18

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Lots 19, 20, 22, 23, 24, 25, 26 & 27 in Fernhill

Amended Addition.

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential. Property  
will become M-1 - Light Industrial.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_



# The City of Fort Wayne

OFFICE OF THE CITY CLERK  
Charles W. Westerman, Clerk — Room 122

November 15, 1982

Ms. Linda King  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. King:

Please give the attached full coverage on the dates of  
November 18 and November 26, 1982, in both the News  
Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. Z-82-10-18  
Zoning Map NO. Z-19-82

Please send us 5 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 9th day of November, 1982, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-82-10-18 -- Zoning Map No. Z-19-82 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-26

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-82-10-18 -- Zoning Map No. Z-19-82, was passed by the Common Council on the 9th day of November, 1982, and said Ordinance was signed and approved by the Mayor on the 11th day of November, 1982, and remains on file and on record in my office.

Copy of Bill No. Z-82-10-18 -- Zoning Map No. Z-19-82 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copy of Bill No. Z-82-10-18 -- Zoning Map No. Z-19-82 will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

  
Charles W. Westerman  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on November 18, 1982

18  
  
Charles W. Westerman  
City Clerk

(Governmental Unit)

Allen

County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

|                                 |   |       |
|---------------------------------|---|-------|
| Display                         | Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines | _____ |
| Head                            | number of lines   | 1     |
| Body                            | number of lines   | 4 4   |
| Tail                            | number of lines   | 9     |
| Total number of lines in notice |   | 54    |

## COMPUTATION OF CHARGES

54 lines, 1 columns wide equals 54 equivalent lines at .300 \$ 16.20  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

1.50

Charge for extra proofs of publication (50 cents for each proof in excess of two)

17.70

TOTAL AMOUNT OF CLAIM.

## DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

2

Number of insertions

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Nov. 26 1982

Title CLERK

Form 904

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWALD, who, being duly sworn, says that she is, CLERK of the

## JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for TWO, the dates of publication being as follows:

November and 26, 1982

Subscribed and sworn to before me this

26

day of Nov.

19

82

My commission expires

November 29, 1985

**LEGAL NOTICE**  
Notice is hereby given that on the 9th day of November, 1982, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-19-82 - Zoning Map No. Z-19-82 - AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-26.  
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-19-82 was passed by the Common Council on the 9th day of November, 1982, and said Ordinance was signed and approved by the Mayor on the 11th day of November, 1982, and remains on file and on record in my office.  
Copy of Bill No. Z-19-82 - Zoning Map No. Z-19-82 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:  
(1) The main floor of the City-County Building.  
(2) The Bulletin board in the lobby of Downtown Fort Wayne Public Library.  
(3) The bulletin board in the lobby at the East door of the Allen County Court House.  
Copy of Bill No. Z-19-82 - Zoning Map No. Z-19-82 will be available for reading in the following places in Fort Wayne, Allen County, Indiana:  
(1) Reference Room in the north end of the main floor in said Downtown Public Library.  
(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.  
Charles W. Westerman  
City Clerk  
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on November 18, 1982.  
Charles W. Westerman  
City Clerk



Charles W. Westernman-city clerk  
(Governmental Unit)To NEWS-SENTINEL Dr.Allen

County, Ind

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

1

Body number of lines

44

Tail number of lines

9

Total number of lines in notice

54

## COMPUTATION OF CHARGES

54 lines, 1 columns wide equals 54 equivalent lines at .300 cents per line \$ 16.20

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM.

1.50  
\$17.70

## DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Nov. 26, 19 82Title CLERK

Form 903

## LEGAL NOTICE

Notice is hereby given that on the 9th day of November, 1982, at the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. 2-82-10-18 - Zoning Map No. 2-19-82 - AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-26.

I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. 2-82-10-18 - Zoning Map No. 2-19-82, was passed by the Common Council on the 9th day of November, 1982, and said Ordinance was signed and approved by the Mayor on the 11th day of November, 1982, and remains on file and on record in my office.

Copy of Bill No. 2-82-10-18 - Zoning Map No. 2-19-82 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor of the City-County Building.  
(2) The bulletin board in the lobby of Downtown Fort Wayne Public Library.

(3) The bulletin board in the lobby at the East door of the Allen County Court House.

Copy of Bill No. 2-82-10-18 - Zoning Map No. 2-19-82 will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) Reference Room in the north end of the main floor in said Downtown Public Library.  
(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

Charles W. Westernman  
City Clerk

I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on November 18, 1982.

Charles W. Westernman  
City Clerk

11-18-26

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS.Personally appeared before me, a notary public in and for said county and state, the undersigned D. ROOSE who, being duly sworn, says that she is CLERK of theNEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA townin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two the dates of publication being as follows: November 18 and 26, 1982Subscribed and sworn to before me this 26 day of Nov. 19 82My commission expires November 29, 1985